REMARKS/ARGUMENTS

Claims 1-8, 17-30, 33, and 34 are pending in the instant application. Claims 1, 5, and 20 have been amended in order to expedite prosecution. Claims 2-4 and 33-34 have been cancelled. The language in claim 4 has been incorporated into claim 1 and the language in claim 20 has been revised in accordance with amended claim 1. No new matter has been added to amended claims1, 5, and 20 or any other claim disclosed herein.

35 USC 112/101 rejections

Claims 33-34 stand rejected under 35 U.S.C. §112(second paragraph) as being indefinite. In order to expedite prosecution, Applicants have cancelled claims 33-34. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 33-34 also stand rejected under 35 U.S.C. §101 because the claimed recitation of a use, results in an improper definition of a process. In order to expedite prosecution, Applicants have cancelled claims 33-34. Accordingly, withdrawal of this rejection is respectfully requested.

Additionally, claims 3 and 4 are objected to on the basis that there is insufficient antecedent basis for the limitation "imaging moiety" in regards to R1-R14. In roder to expedite prosecution claims 3 and 4 have been cancelled and therefore the objection is no longer applicable. Accordingly, withdrawal of this rejection is respectfully requested.

35 USC 103 rejection

Claims 1-8 and 17-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Edwards et al (WO02/067761) in view of Weinstock et al. (WO00/78145A1). This rejection is respectfully traversed.

Claim 1 has been amended so as to specify that the synthetic MSRA antagonist is of Formula II and that the imaging moiety is present at one of R2, R3, R7, R8 and R12. Edwards provides compounds for in vivo imaging atherosclerosis and vulnerable plaque that comprise an MSRA antagonist linked to a metal chelate, where the metal chelate comprises a metal that is an in vivo imaging moiety. Weinstock provides MSRA antagonists that are sulphonamido benzamide compounds for use in treatment of cardiovascular disease. Combining the teachings of Edwards and Weinstock could conceivably lead to a sulphonamido benzamide compound linked to a metal chelate, where the metal chelate comprises a metal that is suitable for in vivo imaging. Additionally, there is no teaching, disclosing, or suggesting in Weinstock about in vivo imaging, and consequently no teaching, disclosing, or suggesting about where to label the sulfonamidobenzamide compounds disclosed therein with an imaging moiety. The combined teachings of Edwards and Weinstock therefore do not specifically lead to the imaging agent encompassed by claim 1.

It is well settled that a reference must be considered not just for what it expressly teaches, but also for what it fairly suggests to one who is unaware of the claimed invention. *In re Baird*, 16 F.3d 380, (Fed. Cir. 1994).

The Examiner further argues that the subject matter of claim 20 is obvious in view of the teachings of Edwards. Claim 20 is presently amended to encompass an imaging agent precursor where the MSRA antagonist is of Formula II, and the ligand is present at one of R2, R3, R7, R8 and R12. There is no teaching in Edwards relating to the MSRA antagonist being a sulfonamidobenzamide compound and as such revised claim 20 is inventive over the teachings of Edwards. Revised claim 20 is believed to be inventive over Edwards in view of Weinstock for similar reasons to those provided above for revised claim 1.

Conclusion

In view of the amendments and remarks, hereinabove, Applicants respectfully submit that the instant application, including claims 1, 5-8, and17-30 are pending in the instant application, are patentably distinct over the prior art. Favorable action thereon is respectfully requested.

The Examiner is invited to telephone the undersigned in order to resolve any issues that might arise and to promote the efficient examination of the current application.

Respectfully submitted,

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